

### REMARKS

Claims 1-20 are pending in the present application. Claims 1, 4, 7, 9, 10, 12, 16 and 19 have been amended herein. Claims 2, 3, 13, and 14 have been canceled. No new matter has been added.

Claims 1, 4-12, and 15-20 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Jung et al. (U.S. Patent No. 6,335,279, hereinafter "Jung") taken with Fulford et al. (U.S. Patent No. 5,847,428, hereinafter "Fulford") and Peng (U.S. Patent No. 6,004,851, hereinafter "Peng"). Claims 2-3 and 13-14 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Jung, Peng, and Fulford, as applied to claims 1, 4-12, and 15-20 above, taken with Bu et al. (U.S. Patent No. 6,812,073, hereinafter "Bu"). Applicants respectfully traverse these rejections.

Claim 1 has been amended to recite at least one of the distinguishing features of the present invention that is not disclosed in Jung, namely, "forming a first etch stop layer on the substrate such that the first etch stop layer covers the gate electrode and one or more of the isolation regions." Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

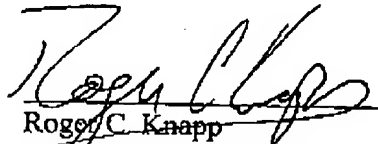
Claim 12 includes a similar limitation as discussed above with reference to claim 1. Accordingly, it is respectfully requested that the rejection of independent claim 12 be withdrawn as well. Claims 4-11 and 15-20 depend from and further limit independent claims 1 and 12, and accordingly, it is also respectfully requested that the rejections of claims 4-11 and 15-20 be withdrawn as well.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicants' attorney at the number listed below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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